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1AC

I affirm. The resolution questions the moral permissibility of violent resistance—a victim using violence to retaliate against a violent and controlling partner, or intimate terrorist. Johnson[[1]](#footnote-1) 1 clarifies the topic area:

The critical defining pattern of violent resistance is that the resister is violent but not controlling and is faced with a partner who is both violent and controlling; i.e, he is an intimate terrorist. Violence in the face of intimate terrorist. Violence in the face of intimate terrorism may arise[s] from any of a variety of motives. She may (at least at first) believe [the belief] that she can defend herself, that her violent resistance will keep him from attacking her further. That may mean that she thinks she can stop him right now, in the midst of an attack, or it may mean that she thinks that if she fights back often enough he will eventually decide to stop attacking her physically. Even if she doesn’t think she can stop him, she may feel that he shouldn’t be allowed to attack her without getting hurt some himself. This desire to hurt him in return even if it won’t stop him can be a form of communication (“What you’re doing isn’t right and I’m going to fight back as hard as I can”), or it may be a form of retaliation or payback, along the lines of “He’s not going to do that without paying some price for it.” In a few cases, she may be after serious retaliation, attacking him when he is least expecting it and doing her best to do serious damage, even killing him.

Cases of mutual domestic violence are not topical because there is no clearly identifiable victim. Johnson[[2]](#footnote-2) 2:

Johnson (1999, 2000a) identified a couple pattern in which both husband and wife are controlling and violent, in a situation that could be viewed as two intimate terrorists battling for control. The pattern seems to be rare and we know little about it, but it raises questions again about the importance of distinctions. Until recently the literature on mutual violence was either framed in terms of “self-defense” or “mutual combat,” (Saunders, 1988), but the little we do know about VR, MVC, and mutual violence in CCV suggests a need for much more focused research on what it means when both partners in a relationship are violent.

At best, it would just prove that there might be multiple victims within a relationship that may use deadly force if I win my offense.

Next, Kagan defines moral permissibility

(Kagan, Shelley [Professor of Philosophy at Yale University]. The Limits of Morality (Oxford: Clarendon Press, 1989), pp. 65-66. 1989.)

For a given reaction to be morally required is for it to be supported by a morally decisive reason. Along similar lines, we can say that a given reaction is morally forbidden if and only if there is a morally decisive reason for ***not*** reacting in that way. Furthermore, if we make the plausible assumption that an action is permitted provided that it is not forbidden, [so] we can say that a[n] given reaction is morally permitted if and only if there is ***no*** morally decisive reason for not reacting in the given way. Note that on this account what makes a reaction permitted is the *absence* of a certain kind of reason—i.e., the absence of a morally decisive reason for *not* reacting in that way. Thus a reaction’s being permitted does not entail that there is any sort of reason at all which *supports* reacting in that way. It is not the presence of a ‘morally adequate’ reason which grounds permission; rather, it is the absence of a reason sufficient to ground a prohibition.

Thus, skep affirms. An action is morally permissible if there are no morally decisive reasons against it; skepticism implies the non-existence of morally decisive reasons, so there could be no prohibition against deadly force.

I value morality. Meta-ethics claims that the question “what is right?” can only be answered in a constrained number of ways, and thus limits which kinds of arguments count as warrants for the standard. A meta-ethical constraint on all moral theories is that it must deal with the relation of being able to justify our conduct to each other.

First, this conception of morality flows directly from the nature of value. Nagel[[3]](#footnote-3) 1:

The central claim is that the motivational source of morality is something quite different from the impartial universal benevolence most naturally expressed by a utilitarian system—a system whose ultimate standard is the maximization of overall, aggregate well-being. In fact he sets himself against the natural but simplistic idea that well-being is the domin ant value or that any other measure of the good, conceived as an end to be promoted by everyone, is the basic form of value. Value takes many forms other than that of something to be promoted or maximized. One would not, he observes, show an appreciation for the value of friendship by betraying one friend in order to make several new ones. Morality[’s], too, is not identiﬁed with promoting the good—human happiness, for example. Its motivating aim, according to Scanlon, is a certain kind of relation with our fellow human beings, the relation of being able to justify our conduct to each other, as individuals, in what he describes as a form of “codeliberation.” That is how we show our appreciation of the distinctive value of persons—not by promoting a collective human good in which the interests of a minority may be out-weighed by the greater aggregate interests of a majority.

Second, only moral theories based in justifiability to other persons recognize that there is no universal moral point of view by accounting for individual reasons.

Nagel[[4]](#footnote-4) 2 explains:

In the pursuit of this goal, however, even at its most successful, something will inevitably be lost. If we try to understand experience from an objective viewpoint that is distinct from that of subject of the experience, then even if we continue to credit its perspectivial nature, we will not be able to grasp its most specific qualities unless we can imagine them subjectively. We will not know exactly how scrambled eggs taste to a cockroach even if we develop a detailed objective phenomenology of the cockroach sense of taste. When it comes to values, goals, and forms of life, the gulf may be even more profound. Since this is so, no objective conception of the mental world can include it all. But in that case it may be asked what the point is of looking for such a conception. The aim was to place perspective and their contents in a world seen from no particular point of view. It turns out that some aspects of those perspectives cannot be fully understood in terms of an objective concept of mind. But if some aspects of reality can’t be captured in an objective conception, why not forget the ambition of capturing as much of it as possible? The world just isn’t the world as it appears to one highly abstracted point of view that can be pursued by all rational beings. And if one can’t have complete objectivity, the goal of capturing as much of reality as one can in an objective net is pointless and unmotivated. I don’t think this follows. The pursuit of a conception of the world that doesn’t put us at the center is an expression of philosophical realism, all the more so if it does not assume that everything real can be reached by such a conception. Reality is not just objective reality, and any objective conception of reality must include an acknowledg[e]ment of its own incompleteness. (This is an important qualification to the claims of objectivity in other areas as well.) Even if an objective general conception of mind were developed and added to the physical conception of objectivity, it would have to include the qualification that the exact character of each of the experimental and intentional perspectives with which it deals can be understood only from within or by subjective imagination. A being with total imaginative power could understand it all from inside, but an ordinary being using an objective concept of mind will not. In saying this we have not given up the idea of the way the world really is, independently of how it appears to us or to any particular occupant of it. We have only given up the idea that this coincides with what can be objectively understood. The way the world is includes appearances, and there is no single point of view from which they can all be fully grasped. An objective conception of mind acknowledges that the features of our own minds that cannot be objectively grasped are examples of a more general subjectivity, of which other examples lie beyond our subjective grasp as well.

Third, questions of how one ought to treat others cannot be answered without regard for others’ reasons. Moral theories not based in justifiability to all rational beings collapse into ethical egoism. Gert[[5]](#footnote-5) writes:

The dominant philosophical view of morality now, and perhaps as far back as Socrates, seems to be that morality functions primarily as a guide for the individual person who adopts it. But hardly anyone denies that morality must be such that a person who adopts it must also propose its adoption by everyone. Thus many philosophers have tried to show that the guide to conduct that they were adopting for themselves they would propose to be adopted by all rational persons. This view of morality is sometimes put forward by saying that any guide about how everyone *ought* to act is a moral guide, as if the precept that everyone ought to brush his teeth twice a day is part of a moral guide.

The extreme oddity of the view of morality as a guide that everyone would adopt for themselves is shown by the discussion of what is known as “ethical egoism.” Ethical egoism is the position that every person ought to maximize their own self-interest. When morality is regarded primarily as a guide for the individual person who adopts it, ethical egoism, if sufficiently enlightened, becomes a plausible moral guide. This extremely odd view is reinforced by noting that it is a view about what every person “ought” to do, thus clearly confirming that it is a moral guide.

Thus, a necessary consequence of denying my meta-ethical framework is ethical egoism, as the alternative meta-ethical view implies that morality functions only as a guide for the individual who adopts it. If ethical egoism is true, you affirm because ethical egoism permits the victim to act without regard for the interests of others.

Thus, since the nature of morality’s demands involves justification between persons, my standard is consistency with contractualism, which has the following guiding principle, defined by Scanlon[[6]](#footnote-6) 1:

An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behavior that no one could reasonably reject as a basis for informed, unforced, general agreement.”

No actual contract is formed—only an imaginary agreement by reasonable persons motivated by desire for such an agreement. This tests principles of conduct by their hypothetical acceptability from all points of view. Nagel[[7]](#footnote-7) 3 defines reasonable rejection:

The nerve of Scanlon’s position is that reasonable grounds for rejecting a principle come from the points of view of distinct individuals rather than from any collective or impersonal point of view. Utilitarianism would require us to accept principles that maximize the expected sum of human well-being, and reject those that do not, because the point of view from which acceptance or rejection is determined is that of impartial benevolence toward all. Scanlon, by contrast, believes one could reasonably reject certain principles that would maximize total well-being in favor of other principles that would produce a lower expected total but that have other virtues—they are less unfair, they do not impose such severe burdens on anyone, or they do not require the abandonment of important values not reducible to well-being. The reasonableness of an individual’s rejection of a principle depends on his taking the points of view of other individuals into account, but it does not depend on conformity to the verdict of an external point of view that is not that of any individual.

Contractualism is the only framework consistent with the aforementioned meta-ethical principle.

First, Contractaualism determines the morality of an action based on how it would hypothetically impact others. The desire for self-protection and protection of others becomes one in the same.

Ashford[[8]](#footnote-8) agrees:

In order to reasonably reject a principle, I must have some objection to it. This objection may begin with some direct harm I suffer as a result of the principle. So far, if the harm involved is pain or suffering, contractualism mirrors utilitarianism. However, the fact that a principle impacts negatively on me is not sufficient. To know whether I can reasonably reject the principle, I must also ask how it impacts on others. If a principle imposes a certain burden (b1) on me, but every alternative imposes a greater burden (b2) on someone else, then b1 does not give me a reason to reject the principle. If I am reasonable, then I withdraw my objection when I see that your reason is more pressing. (By contrast, it would make no sense to say that a utilitarian has ‘withdrawn her pain’ because she has noticed that someone else's pain is greater.) So we conclude that the principle imposing b1 on me cannot be reasonably rejected. And we reach this conclusion without having to aggregate anything. In contractualism, individuals are motivated both by self-regard and by respect for others. Since each person is partly motivated by concern for her own interests, contractualism can ground consequentialist reasons. Part of what we owe others is to promote their interests. Contractualism can therefore accommodate important consequentialist aspects of the structure of moral thought.

Second, contractualism incorporates individual subjective perspectives into an objective morality and ensures that individual reasons are given weight. Scanlon[[9]](#footnote-9) 2 writes:

We cannot respond to all the reasons that every human creature has for wanting his or her life to go well;so we must select among [them] these reasons; and we should do this in a way that recognizes the capacity of human beings**,** as rational creatures, to assess reasons and to govern their lives according to this assessment. In my view the best response to these two considerations is this: respecting the value of human (rational) life requires us to treat rational creatures only in ways that would be allowed by principles that they could not reasonably reject insofar as they, too, were seeking [such] principles of mutual governance which other rational creatures could not reasonably reject. This responds to the problem of select[s]ing among reasons in a way that recognizes our distinctive capacities as reason-assessing, self-governing creatures.

Thus, contractualism accounts for the source of morality as an interpersonal undertaking—it accounts for the need to justify *individual* reasons to others by generating rules based on reasonable cooperation between persons.

I contend that the victim could reasonably reject a principle that denied the right to deadly force in cases of repeated violence. First, victims face a choice between killing or a fate worse than death.

Cooley 10 Dr. Dennis Cooley, Associate Director of the Northern Plains Ethics Institute and Associate Professor of Philosophy and Ethics at North Dakota State University. Ph.D. in Philosophy from the University of Rochester, with an emphasis on theoretical ethics. "Why Historical Lying and Deceiving are Morally Wrong." NPEI Publications. 2010.

Given the ultimate universal purpose of a life worth living, not all goals will have equal moral value. The difference between good and bad goals is how well they serve the purpose of achieving a sufficiently valuable life for the individual or others. If a goal decreases value with inadequate benefit, then it is bad. For example, pursuing great wealth for its own sake unnecessarily harms the individual or others. Wealth is a means to good ends and not an end in itself. By pursuing it for its own sake, truly valuable things are disvalued or unrecognized. A goal is good, on the other hand, if it increases life’s value without causing too many negative consequences. Having nurturing relationships, for example, not only makes life better for the individual, it helps others as well. Moreover, pursuing these good goals will benefit individuals because their lives are more valuable, without creating unnecessary harm.11 Spousal abuse is always a bad end or means to a good end. Abuse is either a wrongful exercise of power over someone or it wrongfully withholds from her something which is her due.12 The aggression tends to gain and maintain[s] control over the partner thereby rendering the victim less able to pursue her good life.13 By choosing to be an abuser of innocent people, the agent makes his life less valuable. At the same time, since the maltreatment and degradation interfere with the abused’s ability to fulfill the general to specific goals she is entitled to qua moral agent, including care and security, then by definition, her life is less valuable than it otherwise would have been. Moreover, abuse always disrespects the individual abused. She is treated as a mere means rather than as an end in herself. If the abuse is too severe, it could render[s] the lives of [the] both abused and abuser not worth living. The general definition of abuse is not as clear as required to identify all instances of the spousal variety and make justified ethical decisions. Obviously, the individuals involved in the action must be married, and there has to be violence of some sort directed toward at least one married partner from the other. Regardless of particular nuances, an adequate definition would have to take into account three features: the effects on the victim; the frequency of the acts; and the many subtle and obvious manifestations.14 Daniel Jay Sonkin correctly claims that each allegedly abusive act must be examined in relation to the consequences for the person affected by the act.15 But abuse involves more than mere consequences. Continuous disrespect of an individual can constitute abuse because the abused is not being treated as she should be, i.e. as intrinsically valuable. The abuser exhibits a pattern of not recognizing the other’s value as an autonomous, moral agent. As will be shown below, the devaluation causes the abuser to intentionally give false information that prevents the individual from exercising her autonomy in decision making central to her personal identity.

And, victims of repeated abuse often have no other options—they must use deadly force or fall victim to it.

Wright (Nancy, Law prof at Santa Clara Law School, “Voice for the Voiceless: The Case for Adopting the "Domestic Abuse Syndrome" for Self Defene Purposes for All Victims of Domestic Violence Who Kill Their Abusers”, Criminal Law Brief, Volume 4, 2009)

The women and children who are domestically abused by their spouses or parents are among the most marginalized members of American society, trapped in abusive relationships from which they can see [with] no escape. They are often trapped by their abusers, who isolate them from family and friends who might otherwise provide them with assistance and support in leaving. They are frequently trapped by poverty, making retreat from the abusive situation a financial impossibility. And they are virtually always trapped by the unremitting violence, which not only batters them physically but emotionally as well, making leaving the abusive situation a psychologically unrealistic option. Faced with the inevitable prospect of escalating physical violence, often accompanied by sexual and psvchological abuse, some of these women and children decide that the only escape from their imprisonment is to kill their abusers.

No one could reasonably reject an agent’s right to use force in a last-resort situation.

Scanlon 3 (“Thomson on Self-Defense.” TM Scanlon. Chapter 10 of “Visual Attention and Cortical Circuits.” 2001 MIT Press.)

Turning, then, to self-defense, we begin with the fact that it would be reasonable to reject any principle that left agents free (even in the absence of any special justiﬁcation) to act in ways that could reasonably be foreseen to cause other people serious injury or death by the impact on their bodies of the agents’ bodies or of machinery that the agents control (such as guns, knives, automobiles, trolleys, etc.). We all have strong reasons to want to avoid serious injury or death, and thus have good grounds for reasonably rejecting such a principle. The next question is whether a principle forbidding all conduct that can reasonably be foreseen to cause serious injury or death in these ways could also be reasonably rejected. This principle would be supported by the strong reason just mentioned. But there are also good reasons to reject such a broad prohibition, since we also can have strong reasons to behave in ways that it would forbid. Indeed the reason just mentioned might be cited here, since circumstances can arise in which we can avoid serious injury or death only by behaving in ways that can be foreseen to lead to the injury or death of others in the ways that this principle would forbid.

And, individuals can only reasonably reject a principle if they couldn’t have avoided its undesirable effects.

Scanlon 4 (“Thomson on Self-Defense.” TM Scanlon. Chapter 10 of “Visual Attention and Cortical Circuits.” 2001 MIT Press.)

Consider ﬁrst the role of choice. According to contractualism, the role of choice in the formulation and justiﬁcation of principles of the kind we are considering is as a factor that reduces or eliminates a person’s reasonable objection to a principle. 5 To illustrate this, suppose P is a principle that would allow others to do something that could affect me in a way that I have reason not to want. Consider two possibilities. The ﬁrst is that if people do what P allows then I will certainly be affected in this undesirable way. The second is that if they do what P allows I will be affected in this way unless I take evasive action by doing X, where X is something that I could do quite easily and without sacriﬁcing anything important. I take it as obvious that my grounds for rejecting P are weaker in the second case than in the ﬁrst. It does not follow, of course, that even in the second case P is not reasonably rejectable. If other people have no strong reason for wanting to be able to behave in the way P allows, then I may have good reason to reject P in both cases. Why should I have to be alert to the possibility that I might need to do X to avoid the objectionable effects of their behavior, if they have no good reason to want to be able to engage in it? But if they do have good reason for wanting to do this, then it may well be that I could reasonably reject a principle permitting it if I could not avoid the effects in question, but not if I could easily avoid these effects by doing X.

Aggressors, however, can easily avoid putting themselves in a situation where self-defense could be used against them by merely not aggressing in the first place.

Scanlon 5 (“Thomson on Self-Defense.” TM Scanlon. Chapter 10 of “Visual Attention and Cortical Circuits.” 2001 MIT Press.)

When we speak of self-defense, the cases that are most likely to come to mind are ones like Villainous Aggressor, and the fact that it would not be reasonable to reject principles permitting the use of force in such cases is adequately explained along the lines I have been discussing. The grounds that someone in the aggressor’s position would have for rejecting such a principle are undermined both by the fact that such a person can avoid being vulnerable to the legitimate use of force by simply refraining from aggression, and by the fact that in so doing he or she would not be making any sacriﬁce that has weight in moral argument.

Thus, the victim could reasonably reject a principle denying the right to use deadly force in cases of repeated domestic abuse because the abuser’s claim to avoiding death should hold little weight in the contractualist apparatus relative to the victim’s suffering.

Even if the abuser’s claim to rejection matters *ceteris paribus*, the victim’s claim is still stronger. Although the abusers may die, the repeated abuse suffered by victims is worse than death. Psychological violence increases likelihood of suicide and numerous other mental health problems, proving that the victims find their life meaningless.

Pico Alfonso et al 06—(The Impact of Physical, Pyschological, and Sexual Intimate Male Partner Violence on Women’s Mental Health: Depressive Symptoms, Posttraumatic Stress Disorder, State Anxiety, and Suicide, Maria A. Pico-Alfonso B.A. et al, Department of Pyschology University of Valencia, Spain, 2006)

Our results agree with previous studies that indicate that IPV (Intimate Partner Violence) has a negative effect on women’s mental health, increasing the incidence of depressive, PTSD, and state anxiety symptomatology, as well as thoughts and attempts of suicide. However, as most previous studies have mainly paid attention to physical IPV, with few studies obtaining information about the concomitance of psychological or sexual violence 12–20 or the impact of psychological violence alone, 21,22 one of the main findings of this study has been to demonstrate that psychological IPV alone is as detrimental to women’s mental health as physical IPV, which almost always involves some form of psychological violence. Furthermore, for both depressive and anxiety symptomatology, psychological IPV was an independent and stronger predictor than physical IPV, and it was the only factor contributing to both PTSD and the comorbidity between depressive and PTSD symptomatology. Thus, our results agree with those obtained in previous studies that have assessed the independent contribution of psychological IPV to depression 16,22 and PTSD. 15 It disagrees with the study of Basile et al., 17 however, in which both physical and psychological IPV contributed to PTSD symptoms, possibly due to the characteristics of their sample, which was part of a national survey. Importantly, in our study, no differences were found between women exposed to physical/psychological IPV and those exposed only to psychological IPV. Altogether, these results are very important, as psychological IPV is normally still considered a minor type of violence and, consequently, receives less attention than physical IPV by clinicians, lawyers, policymakers, and researchers. 21,63 Thus, being exposed to psychological IPV alone can no longer be considered a minor type of IPV when assessing and recognizing the impact of IPV on women’s mental health. This study indicates that the concomitance of sexual violence with both physical/psychological and psychological IPV increases the severity of depressive symptoms, although it increases the incidence of suicide attempts only when it is concomitant with physical/psychological IPV. These results agree with the study of Wingood et al., 18 which showed that the concomitance of sexual IPV with physical IPV increased the likelihood of using drugs and attempting suicide in women. In our study, however, sexual IPV was not an independent predictor in the contribution of IPV to either depressive, anxiety, and PTSD symptomatology or suicidality, which agrees with the study of Basile et al. 17 with regard to PTSD but disagrees with the study of Bennice et al., 19 in which sexual IPV was an important independent contributor to severity of PTSD symptomatology. Thus, although the concomitance of sexual IPV has an impact on the deterioration of women’s mental health, its independent contribution after controlling for other forms of IPV has been difficult to prove.

Prefer the study, results were controlled by comparison with non-abused women and it is a review of the lit. Also, turns deont NCs, psychological impacts nullify any claims of agency. The victim’s state of agency is under such duress that all actions to rectify the situation are permissible. Morality can’t prescribe that an individual take an action that would violate their own [agency, autonomy, or rationality] because that capacity is what makes them moral subjects. 2 Impacts 1. Morality becomes non-functional because one loses the attribute that makes them follow normative guidelines 2. Creates a contradictory maxim, the only reason we follow maxims is because of our agency so willing violations of one’s agency is a contradiction. That will be the 1nc’s warrant for offense.

As an underview,

Util affirms—The impacts to domestic violence are horrific and experienced by 1.3 million women.

NCADV 07 (“Domestic Violence Facts.” National Coalition Against Domestic Violence. Every Home a Safe Home. NCADV Public Policy Office, Washington D.C. July 2007.”)

Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic affecting individuals in every community, regardless of age, economic status, race, religion, nationality or educational background. Violence against women [It] is often accompanied by emotionally abusive and controlling behavior, and thus is part of a systematic pattern of dominance and control. Domestic violence [It] results in physical injury, psychological trauma, and sometimes death. The consequences of domestic violence can cross generations and truly last a lifetime. One in every four women will experience domestic violence in her lifetime. 1 An estimated 1.3 million women are victims of physical assault by an intimate partner each year. 2 85% of domestic violence victims are women. 3 Historically, females have been most often victimized by someone they knew. 4 Females who are 20-24 years of age are at the greatest risk of nonfatal intimate partner violence. 5 Most cases of domestic violence are never reported to the police. 6 Witnessing violence between one’s parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next. 7 Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults. 8 30% to 60% of perpetrators of intimate partner violence also abuse children in the household. 9 One in 6 women and 1 in 33 men have experienced an attempted or completed rape. 10 Nearly 7.8 million women have been raped by an intimate partner at some point in their lives. 11 Sexual assault or forced sex occurs in approximately 40-45% of battering relationships. 12 1 in 12 women and 1 in 45 men have been stalked in their lifetime. 13 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner; 31% are also sexually assaulted by that partner. 13 Almost one-third of female homicide victims that are reported in police records are killed by an intimate partner. 14 In 70-80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder. 12 Less than one-fifth of victims reporting an injury from intimate partner violence sought medical treatment following the injury. 15 Intimate partner violence results in more than 18.5 million mental health care visits each year. 16 The cost of intimate partner violence exceeds $5.8 billion each year, $4.1 billion of which is for direct medical and mental health services. 17 Victims of intimate partner violence lost almost 8 million days of paid work because of the violence perpetrated against them by current or former husbands, boyfriends and dates. This loss is the equivalent of more than 32,000 full-time jobs and almost 5.6 million days of household productivity as a result of violence. 17 There are 16,800 homicides and $2.2 million (medically treated) injuries due to intimate partner violence annually, which costs $37 billion. 18 Domestic violence is one of the most chronically underreported crimes. 20 Only approximately one-quarter of all physical assaults, one-fifth of all rapes, and one-half of all stalkings perpetuated against females by intimate partners are reported to the police. 1 Approximately 20% of the 1.5 million people who experience intimate partner violence annually obtain civil protection orders. 1 Approximately one-half of the orders obtained by women against intimate partners who physically assaulted them were violated. 1 More than two-thirds of the restraining orders against intimate partners who raped or stalked the victim were violated.

Deontology affirms—Only by resisting aggression can respect one’s own rationality.

Barbara Herman “MURDER AND MAYHEM: VIOLENCE AND KANTIAN CASUISTRY” The Monist, Vol. 72, No. 3, Kant's Practical Philosophy (JULY 1989), pp. 411-431.

This same fact blocks reciprocity of complaint. The aggressor acts on a maxim that involves the devaluation of my agency. I do not. I am not acting to save my life (as such), but to resist the use of my agency (self) by another. Acting to save my life (as something valuable to me) would be to act for just another purpose. The moral standing of my agency-what makes it the source of reasons for others to refrain from acting against me-is not the good (to me) of being alive. Acting to sustain the integrity of my agency is to act for a morally necessary end. Thus, since my maxim of resistance is not a maxim of aggression as a means, the original aggressor cannot renew his attack on morally superior grounds. I am not acting to preserve myself through violent means. In stopping aggression with force I am asserting my status as a rational agent. It is an act of self-respect.

And, to treat oneself as an end requires defending oneself from aggression. Being an end allows us to dispose of our contingent ends like our occupation or hobbies, but not of our person. Thus, being an end permits one to protect oneself against aggressors. The justification is not to save my own life, but to resist the misuse of my life *as the life of a rational agent*. Generic deontological arguments against killing apply only to maxims of *convenience killing*, in which we kill for the intent of achieving some self-interested end. Because the intent of deadly force in response to repeated domestic violence is to protect oneself, arguments about victims using aggressors as mere means do not apply. Functions as a link turn and severs the link to their offense.

\*\*\*Substance\*\*\*

Weighing for Reasonably Rejecting Abuse

Suffering brought about by the agency of another is cause for reasonable rejection

Ashford and Mulgan (Elizabeth Ashford and Tim Mulgan, "Contractualism", The Stanford Encyclopedia of Philosophy (Winter 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2009/entries/contractualism/>.)

The contractualist replies that what is most morally relevant in the case of torture is that suffering is brought about through the agency of another — not just that suffering occurs. This is why being tortured is morally much worse than suffering similar injuries through a lightening strike — the former is an affront to my human dignity in a way that the latter is not. If we agree that this is the really significant fact, then the advantage now lies with the contractualist, whose moral theory explicitly gives a central place to the notion of agency. (As ever, the dialectic can continue, as utilitarians can reply that torture is morally worse than a lightning strike because it involves a gross failure of benevolence). For a foundational consequentialist account of morality (such as utilitarianism), the wrongness of the action is based solely and directly on the suffering it would cause. Against such an account, the contractualist argues that the moral importance of promoting well-being is always mediated via its effect on the justifiability of the relevant principle: if an action fails to show sufficient concern for someone's well-being then that person has strong grounds for objecting to the principle. It is, furthermore, important to recall that contractualism deals in ‘could reasonably reject’ not in ‘does reject’. Contractualism does not say that gratuitously causing suffering is not wrong until someone objects to it, or that gratuitously causing suffering would not be wrong at all if no-one happened to object to it. There is nothing accidental about the fact that a particular act of gratuitously causing suffering is wrong. Rather, gratuitously causing suffering is always intrinsically wrong — because it is (always and everywhere) the kind of thing that provides grounds for reasonable rejection.

\*\*\*Framework\*\*\*

Explanation of Forced Choice Scenario

It is only a forced choice scenario under contractualism if the suffering between each person of the groups on the rocks is equal. If one person and five people on the rocks are both going to die in the same way, the claim of suffering of each individual is equal. In this case, the objection of the one cancels out with one of the five on the other rock. Thus, we save the five because each one of the four remaining still has their initial objection.

It differs from utility. Suppose the group of five will suffer for a year but not die, but the one person will die immediately if we do not save him first; in this case, we would save the one because his claim of suffering is greater than any one of the five’s, so we would save the one even though the five total has a greater amount of suffering.

AT Forced Choice Scenario

1. I’ll bite the bullet—if all claims are equal the contractualist apparatus might be paralyzed, but this situation is a. incredibly unlikely and b. non unique. [Explain how their ethic also links] But, at least in contractualism a forced choice scenario is almost impossible because there will almost never be a case where each has the exact same amount of suffering, or the exact same objection. This functions as a reason to prefer the framework

A2 Contractualism is Circular/Redundant

It is not—contractualism establishes what is wrong rather than presupposing a notion of wrongness. Ashford and Mulgan:

The contractualist answer appeals to the conceptual link between wrongness and justification. Whether an act is wrong depends, not only on its direct impact on individuals, but also on whether a principle permitting it can be justified to all concerned. ‘Because it is wrong’ is not the kind of reason that can be fed into the contractualist apparatus, since it is not something that happens to individuals. Instead, wrongness is something that very apparatus constructs out of individuals' reasons. The same goes for ‘because it is unfair’. In the example of the racist principle, I reject the principle, not because it treats me unfairly overall, but because it illicitly places weight on an inappropriate moral distinction. My complaint concerns how a principle treats me. To know whether an action is wrong, we must compare different people's complaints, which we do by comparing one principle's treatment of me with the way alternative principles treat others.

A2 Contractualism is Incomplete (Pluralist Challenge)

1. There is no warrant why morality must be pluralistic.

2. Contractualism’s “unjustifiability” principle is pluralistic because there are multiple causes for what is justifiable or unjustifiable; utility is more tidy because it reduces everything to suffering, and deontology reduces everything to a universal law.

A2 Person’s objections take the form of hypothetical imperatives

1. Extend the interpersonal obligations argument—morality relies on what individuals think and how they can justify it to others. This means hypothetical imperatives ARE normative, while categorical ones are not because only hypothetical imperatives are justifiable to each other as opposed to externally imposed.

2. Even if in general, hypothetical imperatives are not normative, All my framework warrants show that they are normative when one proves that his hypothetical imperative has greater weight than anyone else’s claim to reasonable rejection.

3. At best, non-unique: categorical imperatives merely mimic the function of a rational principle; they do no better than hypothetical ones. Nagel:

But why is the second sentence of this argument true? If the will is self-determining, why can’t it determine itself in individual, disconnected choices as well as according to some consistent law or system of reasons? A neo-Humean regularity theory of causation seems an inappropriate model for free self-determination. If the idea makes sense at all, the free choice of actions which conform to a law is no more nor less a form of ***causality*** than the free choice of actions which do not. (And the same could be said of the free adoption of beliefs.) So far as I can see, choosing freely in a law-like pattern is merely a way of mimicking causality; if I always put on my left sock before my right, that does nothing to establish the causality of my will, so why does the categorical imperative do any better? There has to be something more compelling about the demand for universality than this.

A2 One person suffers a little less than a lot of people suffering a lot

Two ways to resolve:

Either A) one person has claim to reasonable rejection, because even one more day of great agony is still a greater claim than any one of the greater group, (no reason intuition matters) or B) because the differences between their reasons are so small, we view it as a forced choice scenario and we resolve through the cancelling tie-breaking method.

A2 Impossible to construct any principle no one can reasonably reject b/c over-demanding

1. Principles of aid presuppose some background set of entitlements, guaranteeing me the free use of my own resources.

2. It’s not over-demanding because you can reject a principle based on a reason not necessarily confined to its direct impact on my well-being. I can reject a principle requiring me to devote all my time and energy to charity since it leaves me no room for my own personal projects, failing to respect me as a person.

A2 Contractualism does not account for animals

1. No reason animals have rights

2. Two ways to resolve:

A. Contractualism does not account for the entire scope of morality—only what we owe to other humans. Our obligations to animals fall outside of this part of morality, but this does not deny that contractualism is the correct moral theory to regulate human interactions.

B. Contractualism can account for animal obligations through the notion of trustees, to whom justifications of proposed principles can be offered, on behalf of the animals they represent.

3. This is actually good since it illuminates the distinctive properties between animals and humans. Ashford and Mulgan:

Contractualism captures the central sense of wrongness, one that plays a role in how individuals understand what they are accountable to one another for. The case of animals shows that this is not the only notion of wrongness. But, once we reflect on the differences between the two cases, we see why our obligations to one another are so different from any obligations we might have to animals — precisely because we cannot meaningfully justify ourselves**to**them. Animals are not a special problem for the contractualist, but rather an opportunity to explore what is distinctive about the contractualist approach.

A2 Can’t resolve if one person has deontological objection, another has consequentialist

1. In the real world, no one acts strictly according to either deontology or consequentialism. For example, I can accept slight mistreatment if that means directly saving a life. Exact brightlines are unnecessary—for instance, there’s no exact brightline for when yellow changes to red on the color gradient, but that does not deny that they are distinct colors.

2. At best, there is no conflict in this debate round, so it doesn’t matter. It also proves that these sorts of conflicts would be extremely rare outliers, which isn’t a sufficient reason to reject a moral theory.

A2 Harm is inevitably linked

His author makes a prediction based on scientific evidence; it still bites the criticism of CNN.

All he can prove is that *the probability* of violence slightly increases, it does not prove that violence is inextricably linked. Stabbing you is inextricably linked to violence, drug use is not.

Some people can be irresponsible, but not inextricably linked because it does not deny that many are responsible. It would be arbitrary to deny this right to people who responsibly do drugs.

Framework Net Benefit

Only contractualism can account for the authority of moral standards and what constitutes rightness and wrongness because the ethic is rooted in justifiability to others

Ashford and Mulgan (Elizabeth Ashford and Tim Mulgan, "Contractualism", The Stanford Encyclopedia of Philosophy (Winter 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2009/entries/contractualism/>.)

But Scanlon's version of contractualism is not just concerned with determining which acts are right and wrong. It is also concerned with what reasons and forms of reasoning are justifiable. Whether or not a principle is one that cannot be reasonably rejected is to be assessed by appeal to the implications of individuals or agents being either licensed or directed to reason in the way required by the principle. Scanlon's version offers an account both of 1) the authority of moral standards and of 2) what constitutes rightness and wrongness. As to the first, the substantive value that is realised by moral behaviour consists in a relation of “mutual recognition”. As to the second, wrongness consists in unjustifiability: wrongness is the property of being unjustifiable. The wrongness of an action is not to be equated with the properties that make it unjustifiable. Rather, it is to be equated with its being unjustifiable; the character of wrongness is captured by the higher order fact that wrong acts are unjustifiable. What wrong acts have in common is that they cannot be justified to others. Thus the plurality of moral considerations that guide our substantive moral reflection are unified by a single normative subject matter. In this way, contractualism guides our substantive reflection about wrongness. Wrong is the primary moral predicate; right is defined as “not wrong”. One reason for focusing on wrong is to draw attention to the domain that contractualism is concerned to map, concerning what it is for one person to have been *wronged* by another.

AT—Kantian Ethics

Contractualism is consistent with the categorical imperative but reinterprets how to respect persons as ends

Ashford and Mulgan (Elizabeth Ashford and Tim Mulgan, "Contractualism", The Stanford Encyclopedia of Philosophy (Winter 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2009/entries/contractualism/>.)

Moral requirements determine what it is to respond properly to the value of persons as rational agents. The distinctive value of human life lies in the human capacity to assess reasons and justifications. Therefore, appreciating the value of a person involves recognising her capacity to appreciate and act on reasons. The way to value this capacity is to treat persons in accord with principles they could not reasonably reject. In doing so, the agent is guided by a principle that can rightly be characterised as one that the person herself authorised that agent to be guided by, in thinking about the appropriate way to relate to her. Contractualism illuminates the compelling Kantian insight that we ought to treat persons never as mere means but always as ends in themselves. It interprets this as treating them according to principles they could not reasonably reject.

AT—Other Social Contract Theories

Any social contract ethic needs to account for future people but only contractualism does so.

Ashford and Mulgan (Elizabeth Ashford and Tim Mulgan, "Contractualism", The Stanford Encyclopedia of Philosophy (Winter 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2009/entries/contractualism/>.)

Another problem facing any social contract theory concerns our obligations to future people. It is hard to see how we can have any obligations to such people, as they cannot be parties to our contract. This is principally because of the absence of any possibility of mutually advantageous interaction between distant generations. The quality of life of future generations depends to a very large extent on the decisions of the present generation. By contrast, our quality of life is not affected at all by their decisions. We can do a great deal to (or for) posterity but posterity cannot do anything to (or for) us. This power imbalance is often characterised in terms of the absence of Hume's “circumstances of justice”. (The phrase is borrowed from Rawls 1971, pp. 126-130. For Contractarians, for whom morality is an agreement for mutual advantage, it follows that we have no obligations to future people with whom we cannot interact. A similar problem arises for those like Rawls who seek to base contractualism on some modification of self-interested behaviour — such as self-interest behind the veil of ignorance. Scanlonian contractualism, by contrast, easily avoids this particular problem, as it begins by assuming that moral agents are motivated by a desire to justify themselves to others. There is no reason why those others must be currently existing people. When deciding how to act, I can ask myself whether future people who are affected by my actions might reasonably reject a principle permitting those actions. For instance, if I want to construct a power plant that will leak radiation in the future, it makes perfect sense to ask whether those who will suffer as a result might reasonably object to my behaviour. Because it works with the possibility of reasonable rejection — rather than actual bargaining — Scanlonian contractualism can accommodate obligations to future people. This is a significant advantage over other social contract theories.

Framework Extensions

Johnson clarifies the topic area, violent resistance through deadly force is a victim retaliating against a violent and controlling partner. The victim is clearly at the mercy at the intimate terrorist left with no option but self-defense.

Johnson 2 explains why mutual violence is not part of the topic area because there is no identifiable victim. We don’t know enough about this situations to determine culpability of the two persons. This gets out of claims of mutual violence or arguments about aggression leading to backlash.

Kagan defines moral permissibility as the absence of morally decisive reasons for acting. It is the absence of reason to ground a prohibition that makes something a permission. This also means obligations affirm because obviously there is no ground for a prohibition if there is an obligation.

Skep affirm, An action is morally permissible if there are no morally decisive

All ethical theories must deal with the relation of being able to justify our conduct to each other.

Extend Nagel 1—the AC’s meta-ethic flows directly from the nature of value which is key to normative morality. We value persons by acknowledging their relation to ourselves and so our ability to justify our conduct to such persons is an integral part of denoting value.

Extend Nagel 2—only justifiability to other persons solves the problem of the nonexistence of a universal moral point of view because it accounts for individual and subjective reasons when deciding impartial rules.

Extend Gert—Moral theories not based in justifiability to all rational beings collapse into ethical egoism because those theories would disregard other person’s reasons. If we don’t look to other person’s reasons, than all that matters is one’s self,

1. Johnson, Michael P. *A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence* (Northeastern Series on Gender, Crime, and Law), 2008. [↑](#footnote-ref-1)
2. Johnson, Michael P. [(Ph.D., University of Michigan) is Emeritus Professor of Sociology, Women’s Studies, and African and African American Studies at Penn State] and Ferraro, Kathleen J. [Professor of Women’s Studies at Arizona State University] (2000), Research on Domestic Violence in the 1990s: Making Distinctions. Journal of Marriage and Family, 62: 948–963. [↑](#footnote-ref-2)
3. Nagel, Thomas [University Professor of Philosophy and Law at New York University]. “Scanlon’s Moral Theory” in *Concealment and Exposure & Other Essays*. Oxford University Press, 2002. Print. pp. 148-9. [↑](#footnote-ref-3)
4. Nagel, Thomas [University Professor of Philosophy and Law at New York University]. *The View from Nowhere*. New York: Oxford UP, 1989. Print. [↑](#footnote-ref-4)
5. Gert, Bernard [Professor of Intellectual and Moral Philosophy, Emeritus, Dartmouth College]. *Morality: Its Nature and Justification*. Oxford University Press, 2005. pp. 8. [↑](#footnote-ref-5)
6. Scanlon, Thomas. *What We Owe to Each Other*. Cambridge, MA: Belknap of Harvard UP, 2000. Print. [↑](#footnote-ref-6)
7. Nagel, Thomas [University Professor of Philosophy and Law at New York University]. “Scanlon’s Moral Theory” in *Concealment and Exposure & Other Essays*. Oxford University Press, 2002. Print. pp. 149-150. [↑](#footnote-ref-7)
8. Ashford, Elizabeth and Tim Mulgan. “Contractualism.” *Stanford Encyclopedia of Philosophy*, August 30, 2007. <http://plato.stanford.edu/entries/contractualism/>. [↑](#footnote-ref-8)
9. Scanlon, Thomas. *What We Owe to Each Other*. Cambridge, MA: Belknap of Harvard UP, 2000. Print. [↑](#footnote-ref-9)